

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

**LeClairRyan PLLC,
Debtor.¹**

**Case No.: 19-34574-KRH
Chapter 7**

**MOTION REQUESTING AUTHORIZATION TO SEAL FINAL APPLICATION OF
FOLEY & LARDNER LLP, AS SPECIAL COUNSEL TO THE TRUSTEE,
FOR APPROVAL AND ALLOWANCE OF COMPENSATION AND
REIMBURSEMENT OF EXPENSES INCURRED FOR THE PERIOD FROM
JANUARY 30, 2020 THROUGH JULY 31, 2023**

Foley & Lardner LLP (“**Foley**”), by and through its undersigned counsel, hereby moves the Court for entry of an order, pursuant to sections 105 and 107(b) of Title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and the Court’s August 26, 2022 order sealing certain matters [ECF No. 1562] (the “**Sealing Order**”), to seal its *Final Application of Foley & Lardner LLP, as Special Counsel to the Trustee, for Approval and Allowance of Compensation and Reimbursement of Expenses Incurred for the Period from January 30, 2020 through July 31, 2023* (the “**Final Fee Application**”). In support of this motion (the “**Sealing Motion**”), Foley respectfully states as follows:

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

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RELIEF REQUESTED

1. Foley seeks entry of an order, substantially in the form attached hereto as **Exhibit A**, (A) authorizing Foley to file under seal the Final Fee Application; and (B) directing that the Final Fee Application remain under seal and confidential and not be made available to anyone without further order of the Court, except to (i) the Court, (ii) the Office of the United States Trustee for the Eastern District of Virginia (the “**UST**”), (iii) the Chapter 7 trustee (the “**Trustee**”) for the bankruptcy estate of LeClairRyan, PLLC, (the “**Debtor**”) in this chapter 7 proceedings and her primary counsel, Paula S. Beran, (iv) Quinn Emanuel Urquhart & Sullivan LLP (“**Quinn**”) and (v) any other persons to whom access to the ULX Settlement either: (1) was granted in the Motion to Seal Settlement Agreement and Related Documents, Information, and Hearings [ECF No. 1325] (the “**ULX Settlement Sealing Motion**”) filed by Greenberg Traurig, LLP on behalf of ULX Partners, LLC and UnitedLex Corporation (collectively, the “**ULX Defendants**”) or (2) shall be granted in the Court’s final resolution of the ULX Settlement Sealing Motion (collectively, the “**Access Persons**”).

JURISDICTION AND VENUE

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The bases for the relief requested in this Sealing Motion are the Sealing Order, Local Civil Rule 5 of the Local Rules for the United States District Court for the Eastern District of Virginia, sections 105(a) and 107(b) of the Bankruptcy Code, and Bankruptcy Rule 9018

BACKGROUND

6. On October 26, 2020, the Trustee initiated an adversary proceeding against the ULX Defendants [ECF No. 666] (the “**ULX Adversary**”).

7. On September 2, 2021, the Trustee initiated an adversary proceeding against CVC Capital Partners, Daniel Reed, Nicholas Hinton, Josh Rosenfeld, and P. Douglas Benson (the “**Reed Defendants**”) [ECF No. 1042] (the “**Reed Adversary**” and, together with the ULX Adversary, the “**Adversary Proceedings**”).

8. After engaging in mediation, the Parties to the Adversary Proceedings informed the Court at an April 19, 2022 hearing that they had agreed to settle the Adversary Proceedings, as memorialized in the ULX Settlement. *Trustee’s Motion and Memorandum of Law for Entry of an Order (I) Approving (A) Judicially Mediated Settlement and (B) Compensation to Counsel Including and Improvident Payment Under Section 328(a); and (II) Granting Related Relief* [ECF No. 1328] (the “**Settlement Motion**,” and the settlement attached thereto, the “**ULX Settlement**”), ¶ 36.

9. On May 11, 2022, the ULX Defendants filed the ULX Settlement Sealing Motion. [ECF No. 1325].

10. On May 18, 2022, the Trustee filed the Settlement Motion under seal, seeking the Court’s approval of the ULX Settlement. [ECF No. 1328].

11. On August 26, 2022, the Court approved the ULX Sealing Motion on a final basis. [ECF No. 1562].

12. Considering the Sealing Order and the fact that the Final Fee Application contains factual information related explicitly to the Settlement Motion and the ULX Settlement, Foley moves to file its Final Fee Application under seal.

BASIS FOR RELIEF

13. Because the Final Fee Application relates to the Settlement Motion and the ULX Settlement, both of which have been filed under seal and are the subject of the Sealing Order, the Final Fee Application is governed by the Sealing Order and must be filed under seal.

NOTICE

14. Foley shall also file a notice available to the public, stating that it has filed the Final Fee Application under seal, describing the information contained therein and identifying the Sealing Order as its authorization for filing that information under seal.

NO PRIOR REQUEST

15. No prior request for the relief sought in this Sealing Motion has been made to this or any other court.

CONCLUSION

Foley respectfully requests that the Court enter the order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

[Signature page to follow]

Date: August 7, 2023

Respectfully submitted,

/s/ Jonathan L. Hauser

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-and-

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Counsel for Foley & Lardner LLP

Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

**LeClairRyan PLLC,
Debtor.¹**

Case No.: 19-34574-KRH

Chapter 7

**ORDER GRANTING MOTION REQUESTING AUTHORIZATION TO SEAL FINAL
APPLICATION OF FOLEY & LARDNER LLP, AS SPECIAL COUNSEL TO THE
TRUSTEE, FOR APPROVAL AND ALLOWANCE OF COMPENSATION AND
REIMBURSEMENT OF EXPENSES INCURRED FOR THE PERIOD FROM
JANUARY 30, 2020 THROUGH JULY 31, 2023**

In consideration of Foley & Lardner LLP's *Motion Requesting Authorization to Seal Final Application of Foley & Lardner LLP, as Special Counsel to the Trustee, for Approval and Allowance of Compensation and Reimbursement of Expenses Incurred for the Period from January 30, 2020 through July 31, 2023* (the "Sealing Motion"); and finding that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and further finding that venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and further finding that this Court, pursuant to its prior governing order [ECF No. 1562], 11 U.S.C. §§ 105 and 107(b), and Rule 9018 of the Federal Rules of Bankruptcy Procedure, has the authority to grant the relief requested in the Sealing Motion; and further finding that such relief is appropriate, it is hereby:

ORDERED that the Sealing Motion is GRANTED;

ORDERED that Foley is authorized to file its Final Fee Application including exhibits and accompanying declarations attached as exhibits thereto under seal;

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor's federal tax identification number are 2451.

ORDERED that the Final Fee Application, exhibits and accompanying declarations are confidential, shall remain under seal, and shall not be made available to anyone without further order of this Court, except to the Access Persons (as defined in the Sealing Motion).

ORDERED that the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and

ORDERED that this Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Entered: _____
Richmond, Virginia

THE HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Jonathan L. Hauser

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Counsel for Foley & Lardner LLP

CERTIFICATION OF PROOF OF SERVICE
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been served upon all necessary parties.

Dated: August 7, 2023

/s/ Susan Poll Klaessy